

REMARKS

The Applicant has carefully reviewed the Office Action mailed February 5, 2008 and offers the following remarks to accompany the above amendments.

Claims 18-21 and 40-42 were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.¹ The Applicant has amended claims 18-21, 41, and 42 as noted above and submits that, as amended claims 18-21, 41, and 42 are patentable under 35 U.S.C. § 112, second paragraph. As such, the Applicant requests that the rejection be withdrawn.

Claims 1, 2, 7-10, 12-14, 19-23, 28-31, 33-35, and 40-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,277,724 B2 to *Jones et al.* (hereinafter “*Jones*”) in view of U.S. Patent No. 7,039,710 B2 to *Khartabil* (hereinafter “*Khartabil*”). The Applicant respectfully traverses the rejection.

According to Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” The Applicant submits that neither *Jones* nor *Khartabil*, either alone or in combination, discloses or suggests all the features recited in claims 1, 2, 7-10, 12-14, 19-23, 28-31, 33-35, and 40-42. More specifically, claim 1 recites a personal communication device comprising, among other features, a control system adapted to provide “a plurality of packet communication clients.” Claim 22 includes similar features. The Applicant submits that none of the references, either alone or in combination, disclose or suggest a personal communication device having a control system, which is adapted to provide a plurality of packet communication devices. As correctly pointed out by the Patent Office, *Jones* does not disclose this feature.² Nonetheless, the Patent Office supports the rejection by stating that *Khartabil* discloses this feature in col. 4, ll. 60-67, where *Khartabil* discloses a communication device 200 and client applications 210, 212, and 214.³ The Applicant respectfully disagrees. While *Khartabil* does disclose a communication device 200 having client applications 210, 212, and 214, these clients

¹ The Patent Office indicated in the beginning of paragraph 1 of the Office Action mailed February 5, 2008 that claims 18-21 and 40-42 were rejected under 35 U.S.C. § 112, second paragraph. However, further on in paragraph 1, the Patent Office indicated that claims 41 and 42 were rejected. Furthermore, original claims 18-21, 41, and 42 only include the language rejected by the Patent Office. Thus, the Applicant will only address claims 18-21, 41, and 42.

² See Office Action mailed February 5, 2008, pages 3 and 4.

³ See Office Action mailed February 5, 2008, page 4.

are not packet communication clients. Instead, the client applications 210, 212, and 214 are applications, which are running on the communication client 200.⁴ According to *Khartabil*, the client applications 210, 212, and 214 provide various applications for the communication client 200, such as formatting and presenting data to a user of the communication client 200.⁵ Thus, the client applications 210, 212, and 214 assist with running the communication client 200. However, the client applications 210, 212, and 214 are not communication devices, such as a cellular communication client, or a wireless-packet communication device. As such, claims 1 and 22 are patentable over the cited references and the Applicant requests that the rejection be withdrawn. Likewise, claims 2, 7-10, 12-14 19-21, 23, 28-31, 33-35, and 40-42, which variously depend from either claim 1 or 22, are patentable for at least the same reasons along with the novel features recited therein.

Claims 3, 4, 15, 24, 25, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jones* in view of *Khartabil* and further in view of U.S. Patent No. 6,999,763 B2 to *Ramalho et al.* (hereinafter “*Ramalho*”). As detailed above, claims 1 and 22, the base claims from which claims 3, 4, 24, and 25 ultimately depend, are patentable over *Jones* and *Khartabil*. In addition, *Ramalho* does not address the previously noted shortcomings of *Jones* and *Khartabil*. Therefore, claims 3, 4, 15, 24, 25, and 36 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

Claims 5, 16, 18, 26, 37, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jones* in view of *Khartabil* and further in view of U.S. Patent Application Publication No. 2005/0170854 A1 to *Benco et al.* (hereinafter “*Benco*”). As previously discussed, claims 1 and 22, the base claims from which claims 5, 16, 18, 26, 37, and 39 ultimately depend, are patentable over *Jones* and *Khartabil*. Furthermore, *Benco* does not overcome the problems of *Jones* and *Khartabil*. Accordingly, claims 5, 16, 18, 26, 37, and 39 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

Claims 6, 17, 27, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jones* in view of *Khartabil* and *Ramalho* and further in view of *Benco*. As mentioned above, claims 1 and 22, the base claims from which claims 6, 17, 27, and 38 ultimately depend,

⁴ See *Khartabil*, col. 4, ll. 64-67.

⁵ See *Khartabil*, col. 4, l. 67 – col. 5, l. 3.

are patentable over *Jones*, *Khartabil*, *Ramalho*, and *Benco*. Thus, claims 6, 17, 27, and 38 are patentable over these references and the Applicant requests that the rejection be withdrawn.

Claims 7, 8, 28, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jones* in view of *Khartabil* and further in view of U.S. Patent Application Publication No. 2004/0264410 A1 to *Sagi et al.* (hereinafter "*Sagi*"). As previously discussed, claims 1 and 22, the base claims from which claims 7, 8, 28, and 29 ultimately depend, are patentable over *Jones* and *Khartabil*. Moreover, *Sagi* does not address the previously noted shortcomings of both *Jones* and *Khartabil*. Thus, claims 7, 8, 28, and 29 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

Claims 11 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jones* in view of *Khartabil* and further in view of an article entitled "Wireless Will Rule (Eventually?)...." found at PCMAG.COM and written by *Brown et al.* (hereinafter "*Brown*"). As previously discussed, claims 1 and 22, the base claims from which claims 11 and 32 respectively depend, are patentable over *Jones* and *Khartabil*. Furthermore, *Brown* does not overcome the previously noted problems of *Jones* and *Khartabil*. As such, claims 11 and 32 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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